



LOCAL GOVERNMENT COMMISSION MANA KĀWANATANGA Ā ROHE

Determination

of representation arrangements to apply for
the election of the Ruapehu District Council
to be held on 8 October 2016

Background

1. All territorial authorities are required under sections 19H and 19J of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years.
2. Representation reviews are to determine the number of councillors to be elected, the basis of election for councillors and, if this includes wards, the boundaries and names of those wards. Reviews also include whether there are to be community boards and, if so, arrangements for those boards. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.
3. The Ruapehu District Council (the Council) last reviewed its representation arrangements prior to the 2010 local authority elections. Therefore it was required to undertake a review prior to the next elections in October 2016.
4. The Council currently has a ward system of representation as set out in the following table.

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Ohura	1,130	1	1,130	-2	-0.18
Taumarunui	6,000	5	1,200	+68	+6.01
National Park	1,110	1	1,110	-22	-1.94
Waimarino-Waiouru	4,210	4	1,053	-79	-6.98
Total	12,450	11	1,132		

* Based on 2014 population estimates provided by Statistics NZ

5. There are also two community boards in the district – for National Park and Waimarino-Waiouru, both covering the areas of their respective wards. Both boards comprise four elected members with the National Park board also having one member appointed by the Council, and the Waimarino-Waiouru board two appointed members.

The Council's proposal and review process

6. In its initial representation review proposal, the Council proposed to:
 - retain the 11-member council (excluding the mayor)
 - retain the existing four wards
 - abolish the two community boards.
7. The Council received 65 submissions on its initial proposal which it summarised as follows:
 - 47 opposed to the abolition of the two community boards (including one with a petition attached signed by 200 people)
 - 16 supporting the proposal.
8. Following consideration of submissions, the Council resolved to confirm retention of status quo arrangements in relation to the Council, i.e. an 11-member council (excluding the mayor) elected from four wards. It also resolved to retain the two community boards but to introduce subdivisions for the election of members to both boards. The Council resolved that both community boards would have six elected members with one board having a mix of members elected from subdivisions and at large. The ward councillors would also be appointed to both boards.
9. Commission officers pointed out to the Council that, unlike for councils, there was no provision in the Act for a mixed system of representation for community boards. The Council subsequently amended its resolution for the National Park Community Board to comprise six elected members, elected from three subdivisions, and one appointed member; and the Waimarino-Waiouru Community Board to comprise four elected members, elected from four subdivisions, and four appointed members.

Objections

10. One objection against the Council's final proposal, from the Waimarino-Waiouru Community Board, was received by the deadline for the receipt of appeals/objections. Two further late objections were received from the Wanganui Rural Community Board and from the National Park Village Progressive Association. All three objections related to the decision to introduce subdivisions for the community boards and to the proposed number of appointed members to the boards.
11. The Commission is not in the practice of accepting late appeals/objections. It also notes that the substantive points raised in the two late objections are covered in the objection received in time from the Waimarino-Waiouru Community Board. On this basis, for the purposes of this determination, the Commission focusses on the Waimarino-Waiouru Community Board objection.
12. The Commission considered the matters raised in the Waimarino-Waiouru Community Board objection were clear and as they related only to detailed arrangements for the election and composition of the two community boards, a hearing was not necessary.

Requirements for determination

13. Statutory provisions relating to the determination of appeals and objections on territorial authority representation proposals are contained in sections 19R, 19H and 19J of the Act.

19R. Commission to determine appeals and objections

- (1) *The Commission must—*
- (a) *Consider the resolutions, submissions, appeals, objections, and information forwarded to it under section 19Q; and*
 - (b) *Subject to sections 19T and 19V in the case of a territorial authority, and to sections 19U and 19V in the case of a regional council, determine,—*
 - (i) *In the case of a territorial authority that has made a resolution under section 19H, the matters specified in that section:*
 - (ii) *In the case of a regional council that has made a resolution under section 19I, the matters specified in that section:*
 - (iii) *In the case of a territorial authority that has made a resolution under section 19J, the matters specified in that section.*
- (2) *For the purposes of making a determination under subsection (1)(b), the Commission—*
- (a) *May make any enquiries that it considers appropriate; and*
 - (b) *May hold, but is not obliged to hold, meetings with the territorial authority or regional council or any persons who have lodged an appeal or objection and have indicated a desire to be heard by the Commission in relation to that appeal or objection.*
- (3) *The Commission must, before 11 April in the year of a triennial general election, complete the duties it is required to carry out under subsection (1).*

19H. Review of representation arrangements for elections of territorial authorities

- (1) *A territorial authority must determine by resolution, and in accordance with this Part,—*
- (a) *Whether the members of the territorial authority (other than the mayor) are proposed to be elected—*
 - (i) *By the electors of the district as a whole; or*
 - (ii) *By the electors of 2 or more wards; or*
 - (iii) *In some cases by the electors of the district as a whole and in the other cases by the electors of each ward of the district; and*
 - (b) *In any case to which paragraph (a)(i) applies, the proposed number of members to be elected by the electors of the district as a whole; and*
 - (c) *In any case to which paragraph (a)(iii) applies,—*
 - (i) *The proposed number of members to be elected by the electors of the district as a whole; and*
 - (ii) *The proposed number of members to be elected by the wards of the district; and*
 - (d) *In any case to which paragraph (a)(ii) or paragraph (a)(iii) applies,—*
 - (i) *The proposed name and the proposed boundaries of each ward; and*
 - (ii) *The number of members proposed to be elected by the electors of each ward.*
- (2) *The determination required by subsection (1) must be made by a territorial authority—*
- (a) *On the first occasion, either in 2003 or in 2006; and*
 - (b) *Subsequently, at least once in every period of 6 years after the first determination.*
- (3) *This section must be read in conjunction with section 19ZH and Schedule 1A.*

19J. Review of community boards

- (1) *A territorial authority must, on every occasion on which it passes a resolution under section 19H, determine by that resolution, and in accordance with this Part, not only the matters referred to in that section but also whether, in light of the principle set out in section 4(1)(a) (which relates to fair and effective representation for individuals and communities) —*
- (a) *There should be communities and community boards; and*
 - (b) *If so resolved, the nature of any community and the structure of any community board.*
- (2) *The resolution referred to in subsection (1) must, in particular, determine—*
- (a) *Whether 1 or more communities should be constituted:*
 - (b) *Whether any community should be abolished or united with another community:*
 - (c) *Whether the boundaries of a community should be altered:*
 - (d) *Whether a community should be subdivided for electoral purposes or whether it should continue to be subdivided for electoral purposes, as the case may require:*
 - (e) *Whether the boundaries of any subdivision should be altered:*
 - (f) *The number of members of any community board:*
 - (g) *The number of members of a community board who should be elected and the number of members of a community board who should be appointed:*
 - (h) *Whether the members of a community board who are proposed to be elected are to be elected—*
 - (i) *By the electors of the community as a whole; or*
 - (ii) *By the electors of 2 or more subdivisions; or*
 - (iii) *If the community comprises 2 or more whole wards, by the electors of each ward:*
 - (i) *in any case to which paragraph (h)(ii) applies, -*
 - (i) *The proposed name and the proposed boundaries of each subdivision; and*
 - (ii) *The number of members proposed to be elected by the electors of each subdivision.*
- (3) *Nothing in this section limits the provisions of section 19F.*

14. Other statutory provisions the Commission is required to consider include those set out in sections 19A, 19C, 19F, 19G, 19T and 19V and these are addressed below.

Consideration by the Commission

15. In addition to determining the matters raised in the objection, the Commission is required by the Act to determine the ward and membership arrangements for the Council and community board arrangements generally.
16. The steps in the process for achieving required fair and effective representation are not statutorily prescribed. As reflected in its *'Guidelines to assist local authorities in undertaking representation reviews'*, the Commission believes that the following steps in determining representation arrangements will achieve a robust outcome that is in accordance with the statutory criteria:
- (a) identify the district's communities of interest
 - (b) determine the best means of providing effective representation of the identified communities of interest

(c) determine fair representation for electors of the district.

Communities of interest

17. Both wards and community boards need to be based on distinct and recognisable communities of interest.
18. The Guidelines identify three dimensions for recognising communities of interest:
 - perceptual: a sense of belonging to an area or locality
 - functional: the ability to meet the community's requirements for services
 - political: the ability to represent the interests and reconcile conflicts of the community.
19. The Commission considers that the case for specific representation of distinct and recognisable communities of interest should reflect these dimensions.
20. Ruapehu District is a relatively large district in terms of its area with a small population spread across many small geographically spread communities. It is a primarily rural district, but also features significant visitor and tourist activities based around Tongariro National Park and the mountains within the park. The district also contains part of Whanganui National Park as well as the large Waiouru army camp. Given the geography and range of features in the district and its diversity, a number of distinct communities of interest can be identified. These are characterised by small to medium sized urban settlements surrounded by often large rural areas and include: Ohura, Taumarunui-Manunui, Kakahi, Owhango, Raurimu, National Park, Ohakune, Raetihi and Waiouru.

Effective representation of communities of interest

21. Section 19T of the Act requires the Commission to ensure that:
 - the election of members of the Council, in one of the ways specified in section 19H (i.e. at large, wards, or a combination of both) will provide effective representation of communities of interest within the district
 - ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
 - so far as is practicable, ward boundaries coincide with community boundaries.
22. While not a prescribed statutory requirement, the Guidelines also suggest that local authorities consider the total number of members, or a range in the number of members, necessary to provide effective representation for the district as a whole. In other words, the total number of members should not be arrived at solely as the product of the number of members per ward.

23. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 elected members (excluding the mayor). The Council comprised 14 elected members (excluding the mayor) when it was constituted in 1989 and for the 1992 elections. It then comprised 15 members for the 1995 elections and 13 members for the 1998 elections. It has comprised 11 elected members since the 2001 elections. The Council is proposing retention of 11 elected members and this appears to be appropriate for a district of Ruapehu's geographic area and population and in line with districts of a similar size and population elsewhere in the country.
24. The Guidelines state that decisions relating to the representation of communities of interest (the political dimension) will need to take account of the extent that distinct geographical communities of interest can be identified, i.e. a physical boundary is able to be defined below the district level for the community of interest. Since its constitution in 1989, Ruapehu District has been divided into wards (initially five wards, reduced to four in 2004 with the combining of the Waimarino and Waiouru wards).
25. The Council proposed retention of the current four wards in its initial proposal and received no submissions in opposition. No appeals or objections have been received against this aspect of the Council's final proposal. As noted three of the wards have existed since 1989 with the other two combined in 2004. On this basis, the wards can be seen to represent distinct communities of interest in the district that people have a sense of identity with and belonging to.
26. The current wards are at a scale that makes them appropriate areas for wards for Ruapehu District. Accordingly the Commission concludes that these arrangements meet the requirement for effective representation of communities of interest in the district.

Fair representation for electors

27. Section 19V of the Act requires that the electors of each ward receive fair representation having regard to the population of the district and of that ward. More specifically, section 19V(2) requires that the population of each ward divided by the number of members to be elected by that ward, produces a figure no more than 10% greater or smaller than the population of the district divided by the total number of elected members (the +/-10% fair representation requirement).
28. As can be seen from the table in paragraph 4, the Council's final proposal for wards and membership complies with this requirement.

Communities and community boards

29. Section 19J of the Act requires every territorial authority, as part of its review of representation arrangements, to determine whether there should be community boards in the district and, if so, the nature of those communities and the structure of the community boards. The territorial authority must make this determination in light of the principle in section 4 of the Act relating to fair and effective representation for individuals and communities.

30. The particular matters the territorial authority must determine include the number of boards to be constituted, their names and boundaries, the number of elected and appointed members, and whether the boards are to be subdivided for electoral purposes. The Commission is also required by section 19W to have regard to such of the criteria as apply to reorganisation proposals under the Local Government Act 2002 as it considers appropriate. Those criteria are detailed in clause 3 of Schedule 3 of the Local Government Act.
31. The Council's initial proposal was that the two existing community boards in the district be abolished. In making that decision the Council considered it had built up relationships with other community groups and had processes in place, or which could be put in place, which would effectively replace the role of the community boards.
32. In response to submissions received opposed to this proposal, the Council reversed its decision to abolish the two community boards. However, in order to achieve what it saw as a need for "better representation", the Council decided as part of its final proposal to introduce subdivisions for the election of members to both boards.
33. Initially the Council proposed the National Park Community Board would comprise six elected members, elected from four subdivisions, and one appointed member. The Waimarino-Waiouru Community Board would also comprise six elected members, with five elected from four subdivisions and one elected at large, and four appointed members.
34. On receiving notification of this proposal, Commission officers advised the Council there was no provision in the Act for a mixed system of representation for community boards as proposed for the Waimarino-Waiouru Community Board. The Council subsequently resolved to amend its proposal by providing for this board to comprise four elected members elected from four subdivisions. It also amended the proposed subdivisions for the National Park Community Board reducing these from four to three. Both proposed sets of subdivisions now complied with the section 19V(2) +/-10% fair representation requirement.
35. The Waimarino-Waiouru Community Board objected, in part, to the proposal for introduction of subdivisions on the basis that the Council had not consulted the community on the proposal. It also pointed out that the proposal did not comply with section 19F(2) of the Act which requires that the number of appointed members must be *less than* half the total number of members. In the case of the Waimarino-Waiouru Community Board, the Council is proposing that the number of appointed members (4) be exactly half the total number of members (8).
36. The Commission agrees with the concern raised by the Waimarino-Waiouru Community Board that, given the Council had introduced subdivisions only as part of its final proposal, there has been no opportunity to consult the community and seek feedback on the proposed subdivisions. This concern relates to both the rationale for introducing subdivisions and their detailed configuration.

37. In introducing subdivisions, it appears that the Council wishes to make a distinction between the urban and rural areas of the two communities for electoral purposes. This results in some very small urban subdivisions surrounded by large rural areas, and often an absence of physical features clearly separating the subdivisions. In addition, in order to comply with the +/-10% fair representation requirement, the distinction between urban and rural is blurred in some areas.
38. The Commission is concerned the lack of a clear rationale for the subdivisions as well as the configuration of particular subdivisions may cause confusion and uncertainty among residents. Contrary to the Council's possible intention, this is seen as not helpful in encouraging elector participation in the electoral processes of standing for office and voting at community board elections.
39. The Commission is also concerned at the disparity in representation proposed for the two boards. The Council's amended final proposal results in the National Park Community Board having six elected members representing 1,233 people (206 per member), while the Waimarino-Waiouru Community Board would have four elected members representing 4,280 people (1,070 per member).
40. While acknowledging the Council has complied with the +/-10% fair representation requirement, the Commission considers, in relation to representation of the National Park and Waimarino-Waiouru communities, the proposal is contrary to the principle in section 4 of the Act of fair and effective representation for individuals and communities.
41. The Commission could revisit the proposed subdivisions with a view to achieving fairer representation between the National Park and Waimarino-Waiouru communities. However this would not address its concern about the absence of consultation with the communities concerned about both the rationale for introducing subdivisions and the detailed configurations.
42. On this basis the Commission considers it is not appropriate to introduce subdivisions for the two community board areas at this time. The Commission concludes, therefore, that current representation arrangements for the National Park and Waimarino-Waiouru community boards should be retained for the 2016 local authority elections. It upholds the objection of the Waimarino-Waiouru Community Board accordingly.
43. If the Council still wishes to pursue the option of subdivisions, the Commission recommends it includes this in its initial proposal in its next representation review process for consultation with the community. While it is not statutorily required to, the Council could undertake its next review in time for the 2019 local authority elections.

Commission's Determination

44. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Ruapehu District Council to be held on 8 October 2016, the following representation arrangements will apply:

- (1) Ruapehu District, as delineated on SO Plan 36054 deposited with Land Information New Zealand, will be divided into four wards.
 - (2) Those four wards will be:
 - (a) Ohura Ward, comprising the area delineated on SO Plan 36055 deposited with Land Information New Zealand
 - (b) Taumarunui Ward, comprising the area delineated on SO Plan 36056 deposited with Land Information New Zealand
 - (c) National Park Ward, comprising the area delineated on SO Plan 335332 deposited with Land Information New Zealand
 - (d) Waimarino-Waiouru Ward comprising the area delineated on SO Plan 335333 deposited with Land Information New Zealand.
 - (3) The Council will comprise the mayor and 11 councillors elected as follows:
 - (a) 1 councillor elected by the electors of Ohura Ward
 - (b) 5 councillors elected by the electors of Taumarunui Ward
 - (c) 1 councillor elected by the electors of National Park Ward
 - (d) 4 councillors elected by the electors of Waimarino-Waiouru Ward.
 - (4) There will be two communities as follows:
 - (a) the National Park Community, comprising the area of National Park Ward
 - (b) the Waimarino-Waiouru Community, comprising the area of Waimarino-Waiouru Ward.
 - (5) For the National Park Community, there will be a National Park Community Board comprising:
 - (a) four elected members
 - (b) the member of the Council representing National Park Ward who will be appointed to the community board by the Council.
 - (6) For the Waimarino-Waiouru Community, there will be a Waimarino-Waiouru Community Board comprising:
 - (a) four elected members
 - (b) two members of the Council representing Waimarino-Waiouru Ward who will be appointed to the community board by the Council.
45. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above wards and communities coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

**REPRESENTATION REVIEWS COMMITTEE
FOR LOCAL GOVERNMENT COMMISSION**

A handwritten signature in black ink, appearing to read 'J Annear'.

Commissioner Janie Annear (Chair)

A handwritten signature in blue ink, appearing to read 'Leith Comer'.

Temporary Commissioner Leith Comer

A handwritten signature in black ink, appearing to read 'Dr Pauline Kingi'.

Temporary Commissioner Dr Pauline Kingi

29 February 2016